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July 14, 2009

BY ECF AND HAND

Hon. Marilyn D. Go, U.S.M.J.  
United States Courthouse  
225 Cadman Plaza East, Room 1214S  
Brooklyn, New York 11201

Re: Weiss v. National Westminster Bank Plc, 05-cv-4622 (CPS) (MDG)  
Applebaum v. National Westminster Bank Plc, 07-cv-916 (CPS) (MDG)

Dear Magistrate Judge Go:

I am writing on behalf of defendant National Westminster Bank Plc ("NatWest") to request that the Court sign the enclosed Stipulations and Orders, which have been executed on behalf of all parties.

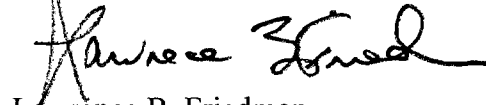
The first Stipulation and Order reflects NatWest's and plaintiffs' agreement regarding the scope of "Customer Documents" to be produced for Friends of Al Aqsa, a customer of the Royal Bank of Scotland, pursuant to the Court's May 22, 2009 Minute Order.

The second Stipulation and Order is intended to address concerns about the confidentiality interests of NatWest customers who have no relation to the pending lawsuits. NatWest has previously produced to plaintiffs documents from which it redacted, based upon United Kingdom bank secrecy restrictions, the names and account information of customers, as well as the names of certain entities, none of whom was identified on the list of entities and persons that plaintiffs served on NatWest on November 13, 2008 pursuant to the Court's September 26, 2008 Minute Order. For the reasons outlined in the enclosed Stipulation and Order, NatWest has agreed to produce to plaintiffs new versions of these documents without redacting the names of the subject customers. Because this information relates to customers of NatWest who are not named on plaintiffs' November 13 list, the parties request that the Court approve their Stipulation and Order to confirm that NatWest is disclosing this information

Magistrate Judge Marilyn D. Go, p. 2

pursuant to the Court's prior rulings limiting NatWest's reliance upon United Kingdom bank secrecy restrictions in responding to plaintiffs' discovery requests.

Respectfully,

A handwritten signature in black ink, appearing to read "Lawrence Friedman", with a stylized flourish at the end.

Lawrence B. Friedman

Enclosures

cc: All Counsel of Record

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
TZVI WEISS, *et al.*

Plaintiffs,

- against -

NATIONAL WESTMINSTER BANK PLC,

Defendant.  
----- X

STIPULATION  
AND ORDER

05-cv-4622 (CPS) (MDG)

NATAN APPLEBAUM, *et al.*,

Plaintiffs,

-against-

NATIONAL WESTMINSTER BANK PLC,

Defendant.  
----- X

07-cv-916 (CPS) (MDG)

**STIPULATION AND ORDER**

Plaintiffs, by and through their counsel, and Defendant, by and through its counsel, hereby stipulate as follows:

WHEREAS, Defendant objected based upon United Kingdom bank secrecy restrictions to the production of certain information requested by the Weiss Plaintiffs, including under the principles of banker-client confidentiality under English law articulated in Tournier v. National Provincial and Union Bank of England, [1924] 1 KB 461 (C.A.), and its progeny;

WHEREAS, the Court overruled Defendant's bank secrecy objections in its May 14, 2007 Memorandum and Order with respect to certain of Plaintiffs' requests;

WHEREAS, pursuant to the Court's September 26, 2008 Minute Order, Plaintiffs submitted to Defendant a list of 65 entities and individuals on November 13, 2008;

WHEREAS, Plaintiffs served on Defendant a subpoena *duces tecum* addressed to the Royal Bank of Scotland Group plc ("RBS Group"), dated March 24, 2009 (the "Subpoena"), requesting the customer file of any entities or individuals appearing on Plaintiffs' November 13, 2008 list who were customers of a bank subject to the subpoena *duces tecum* during the relevant time period;

WHEREAS, the Court directed in its May 22, 2009 Minute Order that Defendant produce pursuant to the Subpoena the customer file and records of Friends of Al Aqsa, an entity appearing on Plaintiffs' November 13, 2008 list and a customer of the Royal Bank of Scotland plc, a bank that is part of the RBS Group;

WHEREAS, the parties have set forth their agreement concerning the scope of the term "Customer Documents" in a stipulation and proposed order submitted to the Court on May 13, 2009 (the "May 13 Stipulation"); and

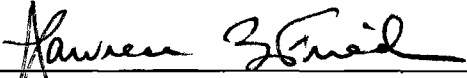
WHEREAS, Defendant preserves its objection to the production of such documents in light of the principles of banker-client confidentiality under English law articulated in Tournier, but recognizes that the Court has overruled such objection with respect to the types of records subject to the May 13 Stipulation;

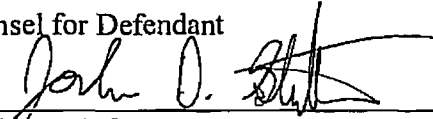
NOW, THEREFORE, it is hereby stipulated and agreed that Defendant will produce to Plaintiffs the "Customer Documents" of Friends of Al Aqsa as set forth in the May 13 Stipulation.

This stipulation is without prejudice to Plaintiffs' request for additional documents concerning customers of Defendant or the RBS Group during the relevant period

identified on Plaintiffs' November 13, 2008 list or in response to the Subpoena, and without waiver of Defendant's or the RBS Group's objections to any such request.

Dated: July 13, 2009

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Counsel for the Applebaum Plaintiffs

SO ORDERED:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Marilyn D. Go (U.S.M.J.)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----	X	
TZVI WEISS, <i>et al.</i>	:	
	:	
Plaintiffs,	:	STIPULATION
	:	<u>AND ORDER</u>
- against -	:	
NATIONAL WESTMINSTER BANK PLC,	:	05-cv-4622 (CPS) (MDG)
	:	
Defendant.	:	
	:	
-----	X	
-----	X	
NATAN APPLEBAUM, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	07-cv-916 (CPS) (MDG)
NATIONAL WESTMINSTER BANK PLC,	:	
	:	
Defendant.	:	
-----	X	

**STIPULATION AND ORDER**

Plaintiffs, by and through their counsel, and Defendant, by and through its counsel, hereby stipulate as follows:

WHEREAS, Defendant objected based upon United Kingdom bank secrecy restrictions to the production of certain information requested by the Weiss Plaintiffs, including under the principles of banker-client confidentiality under English law articulated in Tournier v. National Provincial and Union Bank of England, [1924] 1 KB 461 (C.A.), and its progeny;

WHEREAS, the Court overruled Defendant's bank secrecy objections in its May 14, 2007 Memorandum and Order with respect to certain of Plaintiffs' requests;



WHEREAS, the Court directed in its September 26, 2008 Minute Order that Defendant produce certain documents in response to Plaintiffs' final list of subject entities and persons that Plaintiffs served on Defendant on November 13, 2008;

WHEREAS, pursuant to Plaintiffs' requests Defendant has produced the document bates-stamped NW 162252 through NW 162261, omitting based upon banker-client confidentiality principles the name and account information of a customer and the names of other entities not identified on Plaintiffs' list of subject entities and persons that Plaintiffs served on Defendant on November 13, 2008;

WHEREAS, pursuant to Plaintiffs' requests Defendant has produced the document bates-stamped NW 162227 through NW 162234, omitting based upon banker-client confidentiality principles the name and account information of a customer that transferred 50,000 GBP to Friends of Al Aqsa, and the names of other entities not identified on Plaintiffs' list of subject entities and persons that Plaintiffs served on Defendant on November 13, 2008;

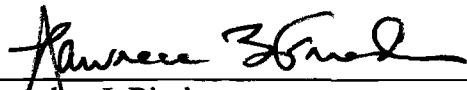
WHEREAS, Plaintiffs contend that, based upon the Court's May 14, 2007 and September 26, 2008 Orders, Defendant is required to produce to Plaintiffs versions of the documents bates-stamped NW 162252 through NW 162261 and NW 162227 through NW 162234 without redaction of the name of the subject customers;

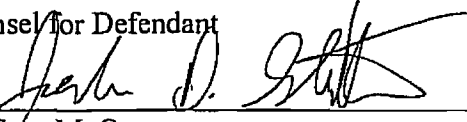
WHEREAS, Defendant preserves its objection to the production of such information in light of the principles of banker-client confidentiality under English law articulated in Tournier;

NOW, THEREFORE, it is hereby stipulated that Defendant will produce to Plaintiffs a new version of the documents bates-stamped NW 162252 through NW 162261 and NW 162227 through NW 162234, without redaction of the name of the subject customers.

This stipulation does not serve as a waiver of Defendant's right to object to the relevancy of any further requests for information related to the subject customer(s). Plaintiffs stipulate that they do not intend to seek further discovery as to the subject customer(s) absent a good-faith belief that the subject customer(s) is relevant to these lawsuits. For this purpose, a relevant customer will appear on a terrorist list published by the U.S., Bank of England, European Union, United Nations, or Israel, or have some connection to an individual or entity appearing on one or more of the lists beyond the fact that its name appears in a document that refers to such an individual or entity.

Dated: July 13, 2009

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Counsel for the Applebaum Plaintiffs

SO ORDERED:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Marilyn D. Go (U.S.M.J.)